

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 6856 OF 2014

GOPAL S/O DAMODAR KINGE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant :Mr. Salunke Sudarshan J
APP for Respondents: Mr. M. M.Nerlikar

CORAM : T.V. NALAWADE, J.

DATE : 6th January, 2015

PER COURT :

1. This is another application for bail on the ground of change in circumstances. The previous application was virtually rejected as the applicant was not ready to deposit the amount as per direction given by the Court.
2. The submissions are made by the learned counsel for the applicant that even when the evidence of prosecution was closed on 26.09.2013, further progress was not made in the case and the present applicant is unnecessarily kept in jail when he is cooperating the Court in the trial of the case.
3. The report of the presiding officer and the submission show that

during the trial, the learned Judge of the Trial Court formed opinion that one Jivraj need to be added as accused and order came to be passed by using section 319 of Cr. P. C. It appears that presence of Jivraj could not be secured and due to that further steps were not taken by the presiding Officer. The submissions made show that in the case filed against the present applicant the prosecution has closed evidence. Statement under Section 313 is recorded and even arguments is advanced by both the sides. In such case, it is always desirable for the court to separate the case of the accused against whom recording of evidence is completed.

4. The case of the present applicant can be disposed of separately and the case against Jivraj can be tried separately. If Jivraj is tried alongwith the present accused, it will give opportunity to both the sides to again protract the case. It is also not necessary. The trial court is expected to see that the case of the accused against whom the evidence is closed by the prosecution is decided and disposed of separately. This is to be done within one month from the date of this order.

5. With these directions the present application is disposed of. Registry shall send copy of the order to the trial court for doing the needful.

JPC

(T. V. NALAWADE, J.)